



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,179	10/01/2003	Kevin Philbin	4389 P 002	6775

7590

11/14/2005

Jeffrey R. Gargano
Wallenstein, Wagner & Rockey, Ltd.
53rd Floor
311 South Wacker Drive
Chicago, IL 60606-6622

EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,179

Applicant(s)

PHILBIN, KEVIN

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Claims 33-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/7/05.

Drawings

The drawings are objected to because the item numbers are difficult to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 19,20,23 are objected to because of the following informalities: it is unclear the relation of the "three arms" to "the arm" of the parent claims. Appropriate correction is required. It is recommended that "three arms" be changed to "said at least one arm comprises three arms" for claims 19 & 20 and changed to "said plurality of arms comprises three arms" for claim 23.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification is only enabling for tabs on the head and detents on the hub and not vice versa. For sake of examination, it is assumed applicant meant to claim only tabs on the head and detents on the hub.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3652

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-8,10,11,14-16,18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jarman (US 4,167,108).

Re claim 1, Jarman teaches a collapsible grappling hook 10 comprising:

a shaft 50,12 having a longitudinal axis;

a head (28 or 48) operatively connected to a first end of the shaft 50,12;

at least one arm 30,32,34,36 pivotally connected to the head 48 such that the arm 30,32,34,36 is moveable between a first closed position and a second open position (relative terms); and a hub (70 or 48) rotatable about the axis, the hub having a locked position, wherein the hub confronts the arm to prevent pivoting of the arm between the open and closed positions, and an unlocked position, wherein the arm is pivotable between the open and closed positions.

Re claim 3, Jarman teaches a second end 38,40 of the shaft 50,12 is configured to be connected to a cable.

Re claim 4, Jarman teaches the hub has a bottom surface, which confronts the arm when the hub is in locked position.

Re claim 5, Jarman teaches the hub includes at least one grip (not numbered) adapted to be gripped by the fingers of an operator.

Re claims 6,18 Jarman teaches the hub includes at least one member 48 extending radially from the axis such that the member is aligned with the arm when the hub is in the locked position.

Re claim 7, Jarman teaches the member 48 and the arm 30,32,34,36 are angulated about the axis when the hub is in the unlocked position.

Re claim 8, Jarman teaches the arm is angulated with respect to the axis when the arm is in the open position.

Re claim 10, Jarman teaches a collapsible grappling hook 10 comprising:
a shaft 50,12 having a longitudinal axis;
a head (38 or 48) operatively connected to a first end of the shaft, the head having at least one pin (76 or 46);
at least one arm 30,32,34,36 pivotally connected to the pin such that the arm 30,32,34,36 is moveable between a first closed position and a second open position;
and a hub (70 or 48) rotatable about the axis, the hub having a locked position, wherein the hub confronts the arm to prevent pivoting of the arm between the open and closed positions, and an unlocked position, wherein the arm is pivotable between the open and closed positions.

Re claim 11, Jarman teaches a connector 38,40 connected to a second end of the shaft 50,12, wherein the connector 38,40 is configured to receive a cable.

Re claim 14, Jarman teaches the head further comprises at least one stop (48,60,76) which confronts the arm to prevent the arm from pivoting past the open position when the arm is moved from the closed position to the open position.

Re claim 15, Jarman teaches the hub and the head have cooperating structure (48,60,76) to maintain the head in either the locked or unlocked position.

Re claim 16, Jarman teaches the hub (70 or 48) has at least one detent 66 and the head (38 or 48) has at least one resilient tab 60 wherein the tab engages the detent to maintain the head in a predetermined angular position.

Re claim 19, Jarman teaches three arms 30,32,34,36.

Re claim 20, Jarman teaches three arms 30,32,34,36 and three members (sides of 48, or threads thereof).

Re claim 21, Jarman teaches the arm 30,32,34,36 includes at least one tooth (ends of arm).

Claims 1-11,13-16,18-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillette (US 6,267,424).

Re claim 1, Gillette teaches a collapsible grappling hook comprising:
a shaft 112 (or 212,etc.) having a longitudinal axis;
a head 100 (or 200,300,etc.) operatively connected to a first end of the shaft;
at least one arm 102 (or 202,etc.) pivotally connected to the head such that the arm is moveable between a first closed position and a second open position (relative terms);
and a hub (110,110',etc.) rotatable about the axis, the hub having a locked position, wherein the hub confronts the arm to prevent pivoting of the arm between the open and closed positions, and an unlocked position, wherein the arm is pivotable between the open and closed positions.

Re claim 2, Gillette teaches the head includes a pin 106(etc.) and the arm includes an aperture 102A(etc.), wherein the pin passes through the aperture to pivotally connect the arm to the head.

Re claim 3, Gillette teaches a second end 116 (etc.) of the shaft is configured to be connected to a cable.

Re claim 4, Gillette teaches the hub has a bottom surface, which confronts the arm when the hub is in locked position.

Re claim 5, Gillette teaches the hub includes at least one grip (not numbered) adapted to be gripped by the fingers of an operator.

Re claims 6,18 Gillette teaches the hub includes at least one member 110A,110A'(etc.) extending radially from the axis such that the member is aligned with the arm when the hub is in the locked position.

Re claim 7, Gillette teaches the member and the arm are angulated about the axis when the hub is in the unlocked position.

Re claim 8, Gillette teaches the arm is angulated with respect to the axis when the arm is in the open position.

Re claims 9,26, Gillette teaches the arm is generally parallel to the axis when the arm is in the closed position.

Re claim 10, Gillette teaches a collapsible grappling hook comprising:
a shaft 112 (or 212,etc.) having a longitudinal axis;
a head 100 (or 200,300,etc.) operatively connected to a first end of the shaft, the head having at least one pin 106(etc.);

at least one arm 102 (or 202,etc.) pivotally connected to the pin such that the arm 102 (or 202,etc.) is moveable between a first closed position and a second open position; and a hub (110,110',etc.) rotatable about the axis, the hub having a locked position, wherein the hub confronts the arm to prevent pivoting of the arm between the open and closed positions, and an unlocked position, wherein the arm is pivotable between the open and closed positions.

Re claims 11,31, Gillette teaches a connector 116 connected to a second end of the shaft, wherein the connector is configured to receive a cable.

Re claim 13, Gillette teaches the head further comprises a second pin 108 (etc.), wherein the arm includes a curved slot 102B(etc.) in which the second pin slides.

Re claim 14, Gillette teaches the head further comprises at least one stop (106,108,110A,110A',etc.) which confronts the arm to prevent the arm from pivoting past the open position when the arm is moved from the closed position to the open position.

Re claims 15,28, Gillette teaches the hub and the head have cooperating structure (see figures,110A,102C,etc.) to maintain the head in either the locked or unlocked position.

Re claims 16,29, Gillette teaches the hub (110,110',etc.) has at least one detent (110A,110A',110D',110S',etc.) and the head 100 (or 200,300,etc.) has at least one resilient tab (110A,110A',110D',110S',etc.) wherein the tab engages the detent to maintain the head in a predetermined angular position.

Re claims 19,23, Gillette teaches three arms 102 (or 202,etc.).

Re claims 20,24,25, Gillette teaches three arms 102 (or 202,etc.) and three members (106,108,110A,110A',etc.).

Re claims 21,30, Gillette teaches the arm includes at least one tooth (ends of arm, 102M',etc.).

Re claim 22, Gillette teaches a collapsible grappling hook comprising:
a shaft 112 (or 212,etc.) having a longitudinal axis;
a head 100 (or 200,300,etc.) operatively connected to a first end of the shaft, the head having a plurality of first pins 106(etc.);
a plurality of arms 102 (or 202,etc.), each arm pivotally connected to one of the first pins such that the arm is moveable between a first closed position and a second open position; and
a hub (110,110',etc.) rotatable about the axis, the hub having a plurality of members (106,108,110A,110A',etc.) extending radially from the axis, the hub having a locked position, wherein the members are aligned with the arms and confront the arms to prevent pivoting of the arms between the open and closed positions, and an unlocked position, wherein the members and the arms are angulated about the axis such that the arms are pivotable between the open and closed positions.

Re claim 27, Gillette teaches the arms are generally perpendicular with respect to the axis when the arm is in the open position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarman (US 4,167,108) in view of Jegelius (5,482,242).

Re claim 12, Jarman is silent on cleats. Jegelius teaches using a cleat 5 to connect and store cable 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jarman by the general teaching of Jegelius to have a cleat in order to store and help hold onto cable.

Claims 12,32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillette (US 6,267,424) in view of Jegelius (5,482,242).

Re claims 12,32, Gillette is silent on cleats. Jegelius teaches using a cleat 5 to connect and store cable 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillette by the general teaching of Jegelius to have a cleat in order to store and help hold onto cable.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarman (US 4,167,108).

Re claim 17, Jarman does not teach six detents. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have

modified Jarman to have any number of detents and tabs in order to regulate the strength of the resistance to rotation.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillette (US 6,267,424).

Re claim 17, Gillette does not teach six detents. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillette to have any number of detents and tabs in order to regulate the strength of the resistance to rotation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pavack (US 4,133,569) teaches a similar grapple.

Although applicant argued in the specification that Gillette (US 6,267,424) was different than his invention, Gillette reads on the claims as currently written.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



msl

EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600